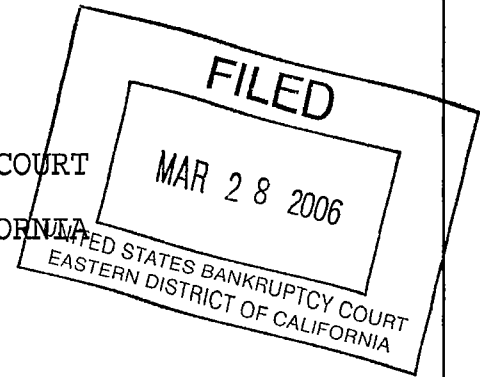


(3)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION



In re

Jacqueline L. Gholar,

Debtor.

Case No. 05-40085-A-7

Docket Control No. None

Date: Ex Parte

Time: Ex Parte

**MEMORANDUM**

The debtor, Jacqueline L. Gholar, filed her chapter 7 petition on October 16, 2005. Her petition was accompanied by an application pursuant to Fed. R. Bankr. P. 1006(b) to pay the \$209 filing fee in installments. That application was granted. The first filing fee installment was due on November 21, 2005. It was not paid.

The failure to pay the installment prompted the issuance of an order to show cause which the court heard on December 19, 2005. The debtor appeared at the that hearing. She asked that she be given until January 9, 2006 to pay the entire filing fee. The court agreed to do as requested by the debtor and on December 20, 2005, it issued an order requiring that the filing fee be paid in full on January 9, 2006.

The filing fee was not paid by January 9. Instead, on that date the debtor filed an application requesting an extension to

1 January 16. The court issued an order on January 12 granting  
2 this further extension. The filing fee was not paid on January  
3 16.

4 Still, the court did not immediately dismiss the petition.  
5 It gave the debtor through February 7, 2006 to pay the filing  
6 fee. On February 8, when the fee still had not been paid, the  
7 court dismissed the petition.

8 Now before the court is yet another application from the  
9 debtor asking that the dismissal be vacated and that the filing  
10 fee be waived pursuant to 28 U.S.C. § 1930(f).

11 Assuming the court were to vacate the dismissal, the court  
12 would be unable to grant a waiver the chapter 7 filing fee.  
13 While such waivers are authorized by 28 U.S.C. § 1930(f), section  
14 1930(f) is only effective in cases filed on and after October 17,  
15 2005. See P.L. 109-8, § 1501(a). The debtor's petition was  
16 filed on October 16, 2005.

17 Because there is no possibility of a fee waiver, because the  
18 court has already given the debtor every possible chance to pay  
19 the filing fee, the motion to vacate the dismissal will be  
20 denied.

21 Dated: *28 March 2006*

22 By the Court

23 

24 \_\_\_\_\_  
25 Michael S. McManus, Chief Judge  
26 United States Bankruptcy Court  
27  
28

1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
3 CERTIFICATE OF MAILING

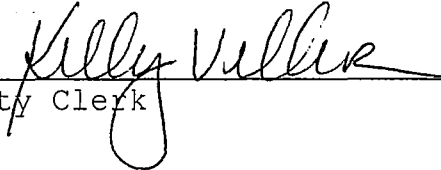
4 The undersigned deputy clerk in the office of the United  
5 States Bankruptcy Court for the Eastern District of California  
6 hereby certifies that a copy of the document to which this  
7 certificate is attached was mailed today to the following  
8 entities listed at the address shown on the attached list or  
9 shown below.

10 Jacqueline L. Gholar  
11 8359 Elk Grove florin Rd #103  
12 Sacramento, CA 95829

13 Richard J. Hanf  
14 PO Box 6499  
15 Napa, CA 94581

16 Office of the U.S. Trustee  
17 501 I Street , Room 7-500  
18 Sacramento, CA 95814

19 Dated: 3-29-06

20  
21  
22  
23  
24  
25  
26  
27  
28  
  
Deputy Clerk